

### **REMARKS/ARGUMENTS**

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 1-21 are pending in the application. Currently, claims 1-7, 9, 10, 12, and 14-20 stand rejected; and claims 8, 11, 13, and 21 stand objected to. By the present amendment, claims 1, 6, 8, 10, 11, 12, 13, 14, 19, and 21 have been amended and claim 2 has been cancelled without prejudice.

In the office action mailed September 15, 2003, claims 1, 2, 6, 7, 9, 10, 12, 14-16, and 19-20 have been rejected under 35 U.S. C. 103(a) as being unpatentable over U.S. Patent No. 5,638,522 to Joesten in view of Japanese Patent Document No. 2001-123274 to Mitsui; and 1-5, 7, 9, 10, 12, 14-18, and 20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the Joesten patent in view of U.S. Patent No. 5,520,750 to Riley.

The foregoing rejections are traversed by the present amendment.

The present invention relates to a process for applying a chromate-free, corrosion resistant coating to a product formed from a magnesium based material, and a solution for use in said process. The solution used in the process has phosphate and fluoride ions, and either from 0.1 g/l to 5.0 g/l of an active corrosion inhibitor selected from the group consisting of sodium tungstate, sodium vanadate, and mixtures thereof or from 1.0 g/l to less than 2.0 g/l of potassium permanganate. This solution has a pH of 5 to 7. the process for applying the coating to the process broadly comprises degreasing the product; cleaning the product; and deoxidizing the product; immersing the product into said solution which is maintained at a temperature of approximately 120 to 200 degrees Fahrenheit for a time period in the range of approximately 15 minutes to 90 minutes.

By the present amendment, claims 1, 10, 12, and 14 have been amended to delete reference to potassium permanganate. Thus, the rejection on obviousness grounds of claims 1, 7, 9, 10, 12, 14-16, and 20 over the combination of Joesten and the Mitsui patent document has been obviated. Neither Joesten nor the Mitsui patent document teach the use of an active corrosion inhibitor selected from the group consisting of sodium tungstate, sodium vanadate, and mixtures thereof.

With regard to claims 6 and 19, these claims have been placed into independent form. Further, they have been amended to state that the potassium permanganate is present in an amount from 1.0 g/l to less than 2.0 g/l. While the Mitsui patent document broadly teaches the use of potassium permanganate, it does not teach using potassium permanganate at the now claimed levels. For this reason, claims 6 and 19 are now allowable.

With regard to the rejection of claims 1-5, 7, 9, 10, 12, 14-18, and 20 over Joesten in view of Riley, the Examiner is hereby requested to reconsider this rejection. The Riley patent relates to an anti corrosion treatment of an aluminium or aluminium alloy surface and does not relate in any way to the treatment of a product formed from a magnesium based material. Further, while Riley may teach the use of vanadates or tungstates or mixtures thereof, it does so in solutions having a pH of from greater than 0 to less than 2. The solutions of the present invention, as well as those set forth in the Joesten patent, have pH levels in the range of 5 to 7. Consequently, one of ordinary skill in the art would not be motivated to combine Riley with Joesten in the manner set forth by the Examiner. It is submitted that the rejection made by the Examiner is nothing more than a hindsight rejection. Applicants would take this opportunity to point out that merely finding constituents set forth in a claim in the prior art does not render the subject matter of the claim obvious.

By the present amendment, objected to claims 6, 8, 11, 13, 19, and 21 have been placed into independent form. It is submitted that these claims are now in condition for allowance.

For the foregoing reasons, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, he is invited to contact Applicants' attorney at the telephone number listed below.

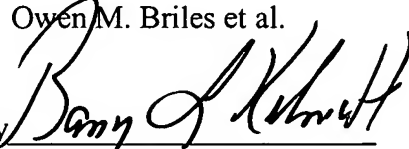
Appl. No. 10/073,688  
Amdt. dated Dec. 15, 2003  
Reply to office action of Sept. 15, 2003

The Commissioner is hereby authorized to charge the fee of \$516.00 for the extra independent claims to Deposit Account No. 21-0279. Should the Commissioner determine that an additional fee is due, he is hereby authorized to charge said fee to said Deposit Account.

Respectfully submitted,

Owen M. Briles et al.

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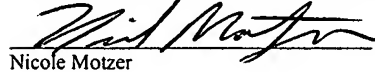


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Date: December 15, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on December 15, 2003.

  
Nicole Motzer